A Permanent Secretary's Guide to Copyright

THE NATIONAL ARCHIVES

As Accounting Officer, you are responsible for making sure your department is meeting its obligations in relation to copyright. You must ensure that any work created by your department is compliant with copyright law.

What is meant by copyright?

Copyright is an intellectual property right that protects original material people create.

Original works include charts, images, reports, guidance documents, academic articles, websites and blog posts. Original copyright works automatically qualify for copyright protection upon creation.

Copyright is sometimes shown by using the copyright symbol © but **even material without the symbol** can be protected by copyright.

Civil servants and copyright

All civil servants have a responsibility to respect copyright. You have an obligation to ensure that your staff are aware of their responsibilities before using material created by others. They must:

- identify who the copyright holder is, and **ask for permission to re-use the work** on behalf of HMG, in **print and in electronic form, throughout the world for the duration of the copyright**
- **acknowledge the copyright holder** once permission has been granted (if they have asked to be acknowledged). This is usually done by including a line of text giving them credit for their material
- never use pictures, text or images without the permission of the copyright holder unless the **material is available under an open licence**. This is especially important for all civil servants because they are representing HMG

If you are relying on an exception to copyright to re-use material created by a non-Crown employee, you should consult Intellectual Property Office guidance to ensure this re-use is lawful.

Open Government Licence and UKRI Open Access Policy

All material produced by civil servants at work belongs to the Crown. The default licence for Crown copyright is the Open Government Licence.

Crown copyright is legally defined under section 163 of the Copyright, Designs and Patents Act 1988 as 'works made by officers or servants of the Crown in the course of their duties.' Crown copyright covers material created by civil servants, ministers and government departments and agencies. This includes legislation, government codes of practice, Ordnance Survey mapping, government reports, official press releases, government forms and many public records.

It also includes academic articles written by civil servants and ministers, which must be published under the Open Government Licence (and if appropriate in an Open Access Repository). Authors of such articles should consult the UKRI Open Access policy and the Guidance on Publication of Articles.

Material made available under the Open Government Licence means that you are free to:

- Copy, publish, distribute and transmit the information
- Adapt the information
- Exploit the information commercially and non-commercially, i.e. by combining it with other information (your own product or application)

This means you can use other civil servants' work and it makes information OPEN, ACCESSIBLE and REUSEABLE for all.

If you wish to use any images or text that are not made available under OGL you must make sure you have **permission from the copyright holder**. This includes information you find on the **internet**.

Why should I care about it?

- It's the law. If copyright material is re-used without permission of the copyright owner, it constitutes an infringement. Under UK law, copyright infringement is a civil offence and legal proceedings can be commenced
- There is significant risk to the reputation of your department, and to you personally, if you fail to comply with copyright
- The re-use and adaptation of available information can save your department time, money and resources

What do I need to know?

- Copyright is an intellectual property right
- You need permission to use material you find online
- The OGL means anyone can use and re-use your work
- Always acknowledge the copyright holder

What do I need to do?

- Lead by example and always show respect for copyright
- Ensure there is clear accountability among staff and that compliance is being managed and reported
- Ensure staff are aware of their responsibilities relating to copyright
- Ensure copyright is a central consideration when creating and re-using information
- Ensure Open Access to publicly funded research materials